
SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF EDUCATION AND DEPARTMENT OF
COMMERCE AND CONSUMER AFFAIRS TO CONVENE A WORKING GROUP TO
EVALUATE THE LICENSING OF PRIVATE TRADE, VOCATIONAL, AND
TECHNICAL SCHOOLS.

1 WHEREAS, licensure of private trade, vocational, and
2 technical schools in the State of Hawaii has been administered
3 by the Department of Education since 1939, generally, and since
4 1996, specifically pursuant to Act 89, Session Laws of Hawaii
5 1996, as amended; and

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7 WHEREAS, section 302A-425, Hawaii Revised Statutes,
8 requires all private trade, vocational, and technical schools be
9 licensed by the Department of Education; and

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11 WHEREAS, a number of currently licensed private trade,
12 vocational, or technical schools in the State of Hawaii require
13 a form of state licensure in order for students to be eligible
14 for receipt of federal financial aid or to participate in other
15 types of federal educational assistance; and

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17 WHEREAS, section 302A-425, Hawaii Revised Statutes, was
18 amended by Act 57, Session Laws of Hawaii 1998, to clarify that
19 the purpose of the licensing law is to protect consumers against
20 false, deceptive, misleading, or unfair practices and to ensure
21 adequate educational quality at private trade, vocational, and
22 technical schools; and

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24 WHEREAS the Auditor's 2002 report on the licensing of
25 private trade, vocational, and technical schools stated that
26 when section 302A-425, Hawaii Revised Statutes, was amended by
27 Act 57, Session Laws of Hawaii 1998, to clarify its purpose, the
28 clarification shifted the emphasis of the licensing law to
29 consumer protection and brought into question the Department of



1 Education's administration of the licensure of private trade,
2 vocational, and technical schools; and

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4 WHEREAS, the Department of Education's primary
5 responsibility is educating students in kindergarten through
6 twelfth grade; and

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8 WHEREAS, the Department of Education is unable to
9 effectively administer the licensure of private trade,
10 vocational, and technical schools due to its lack of
11 understanding and expertise regarding the specialized curricula
12 offered at these schools and lack of experience in providing
13 post-secondary education and overseeing post-secondary
14 institutions; and

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16 WHEREAS, the Department of Commerce and Consumer Affairs'
17 primary responsibility is to protect consumers and the
18 Department has experience in the licensure of professions and
19 businesses; and

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21 WHEREAS, a number of trades and vocations now receive state
22 licensure for business operations through the Department of
23 Commerce and Consumer Affairs; and

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25 WHEREAS, the possible impact on existing schools and
26 students that would result from the establishment of alternative
27 licensing program structures for the various private trade,
28 vocational, and technical schools in the State requires further
29 consideration, including any potential fee increases from
30 changes to the Department of Education's long-standing licensing
31 fee structure that would result from a program restructuring;
32 and

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34 WHEREAS, the Legislature is committed to improving the
35 licensure process for private trade, vocational, and technical
36 schools in the State of Hawaii, which may include the
37 establishment of alternative licensure structures or models;
38 now, therefore,

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40 BE IT RESOLVED by the Senate of the Twenty-eighth
41 Legislature of the State of Hawaii, Regular Session of 2015, the
42 House of Representatives concurring, that the Department of



1 Education and Department of Commerce and Consumer Affairs, in
2 collaboration with existing licensed private trade, vocational,
3 and technical schools in the State of Hawaii, are requested to
4 convene a working group to evaluate and review the State's
5 current licensing program for private trade, vocational, and
6 technical schools established pursuant to Act 89, Session Laws
7 of Hawaii 1996, as amended, and to consider alternative
8 licensing program structures or models that are in the best
9 interest of private trade, vocational, and technical schools and
10 for students in the State of Hawaii; and
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12 BE IT FURTHER RESOLVED that the working group consider
13 licensure procedures that protect consumers from false,
14 deceptive, misleading, and unfair practices at private trade,
15 vocational, and technical schools and ensure adequate
16 educational quality at these schools; and
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18 BE IT FURTHER RESOLVED that the working group examine
19 potential impacts to private trade, vocational, and technical
20 schools and their students resulting from changes in fees or
21 related licensing costs associated with a new licensing system;
22 and
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24 BE IT FURTHER RESOLVED that the working group include
25 interested stakeholders in the working group's discussions; and
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27 BE IT FURTHER RESOLVED that the Department of Commerce and
28 Consumer Affairs and the Department of Education submit a report
29 of their findings and recommendations, including any proposed
30 legislation, to the Legislature no later than twenty days prior
31 to the convening of the Regular Session of 2016; and
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33 BE IT FURTHER RESOLVED that certified copies of this
34 Concurrent Resolution be transmitted to the Governor,
35 Superintendent of Education, Chairperson of the Board of
36 Education, Director of Commerce and Consumer Affairs, and
37 Auditor.

